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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Roman Waupotitsch and et al.
Title: Interactive Try-on Platform for Eyeglasses
Serial No.: 09/823,422
Filing Date: 03/29/01
Examiner: N/A
Group Art Unit: 2123
Docket No: 888124-10

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May 21, 2001

**PETITION TO MAKE APPLICATION SPECIAL
UNDER MPEP §708.02 VIII**

Assistant Commissioner for Patents
Box Petition Office
Washington, DC 20231

Dear Sir:

The applicants hereby petition to make the above referenced application special. The application has not received any examination by the Examiner. In accordance with the requirements set forth in the MPEP 708.02 VIII, the applicants submit herewith a Statement of Pre-examination Search and Discussion Of References Deemed Most Closely Related to Subject Matter Encompassed by the Claims and a copy of each of the related references discussed.

☒ All the claims in this case are directed to a single invention.

☒ If the Office determines that all the claims presented are not obviously directed to a single invention, the applicants will make an election without traverse as a prerequisite to the grant of special status.

If claims _____ are found not to be examinable in this case with claim(s) _____, Applicant hereby elects claim(s) _____ for the prosecution of this case.

A search has been made by:

☐ the inventor ☒ Attorney/Agent
☐ Professional searcher ☐ foreign patent office

in the following:

field of search: initially confined to classes: 345, 351, 358, and 364 and then expanded to other classes.

- ☒ There is submitted herewith a copy of the references deemed most closely related to the subject matter encompassed by the claims.
- ☒ Form PTO-1449 is attached.
- ☒ There is submitted herewith a detailed discussion of the references which discussion particularly points out how the claimed subject matter is distinguishable over the references.
- ☒ A check in the amount of \$ 130.00 is enclosed.
At any time during the pendency of this application, please charge any fees required or credit any overpayments to Deposit Account 50-0968. A duplicate copy of this transmittal is enclosed.
- ☒ Charge the Total Fees due to Deposit Account 50-0968. At any time during the pendency of this application, please charge any fees required or credit any overpayments to Deposit Account 50-0968.

Remarks

The applicants respectfully submit that the above statement meets the requirements of MPEP §708.02(VIII) and respectfully request the granting of the associated petition to make special. Please telephone the undersigned at (408)777-8873, if there are any questions.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to "Commissioner of Patents and Trademarks, Attention: Petition Special, Washington, DC 20231", on May 23, 2001.

Signature: _____

Joe Zheng

Respectfully submitted;



Joe Zheng

Reg. No.: 39,450

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Title: Interactive Try-on Platform for Eyeglasses
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**STATEMENT OF PRE-EXAMINATION SEARCH AND DISCUSSION OF
REFERENCES DEEMED MOST CLOSELY RELATED TO SUBJECT MATTER
ENCOMPASSED BY THE CLAIMS**

Assistant Commissioner for Patents
Box Petition Office
Washington, DC 20231

Dear Sir:

In support of the enclosed Petition to Make Application Special Under MPEP §708.02 VIII, the applicants have requested prior art search that was performed by a search service. A copy of the search report is enclosed herewith.

In summary, the prior art search was initially confined to classes **345, 351, 358** and **364**, later expanded to other classes. A key word search has also been performed. Key words used, singly or in combination, include:

glasses, eyeglasses, spectacle, eyewear, internet, online, network, commerce, 3D, model, face, three dimension, interactive, interaction, test, try, manipulate, and simulation.

The following databases were searched:

World Wide Web

U.S. Patent and Trademark Office, patent full text and image database

Delphion Inc. which provides access to the following databases:

United States Patents;

European Patents (Application);

European Patents (Granted);

Patent Abstracts of Japan; and

WIPO PCT Publications.

From the list of the references submitted in PTO Form 1449 concurrently filed herewith, the applicants deem the following references (A-Z3), also listed in Form PTO-1449, to be most closely related to the subject matter, or subject matters of the claims:

- A. US Patent No. 4,539,585, entitled "Previewer," by Spackova et al., filed Jul. 10, 1981, issued Sep. 3, 1985, describes a previewer provided for the dynamic viewing of an article desired to be worn by the user in a complete series of poses without actually trying on the article. Multiple pieces of representations of the article are provided to be tried on an image of a wearer. However, there is no teachings of 3D representation of a pair of eyeglasses face model to be tried on a 3D face model of a user.
- B. US Patent No. 4,730,260, entitled "Method for eyewear simulation and a device for its practice," by Mori et al., filed Sep. 23, 1985, issued Mar. 8, 1988, provides an improved method for eyewear simulation, wherein a spectacles frame is matched with a person, the method being characterized in that an image of a person who has taken off his or her spectacles is taken on a video camera; resultant video signals of the image of the person is A/D-converted and stored into a video memory device as digital signals; thereafter, display signals are produced by synthesizing data for the image of the person and data for the spectacles

frame as stored in the video memory device; and finally a state of the person with the spectacles being put on his or her face is displayed, on a display device to thereby providing an image to match the spectacles with the person.

- C. US Patent No. 4,845,641, entitled "Method of forming a synthetic image in simulation system for attachment of spectacles," by Ninomiya et al., filed Sep. 18, 1987, issued Jul. 4, 1989, describes a method of making a synthetic image in a simulation system for attachment of spectacles, in which a synthetic image of image pickup data of a spectacles frame taken in at a first magnification and image pickup data of a person's image derived from an imaging apparatus is made by a computer, and a state in which the person wears a pair of spectacles is displayed by a display apparatus.
- D. US Patent No. 4,852,184, entitled "Method and system for spectacles frame image processing and recording," by Tamura et al., filed Sep. 27, 1987, issued Jul. 25, 1989, discloses a method and a system for synthesizing an image of a human face and a frame image in a processor by edge processing and color mixing processing, after a spectacles frame database is created.
- E. US Patent No. 4, 991,005, entitled "Glass frame viewing assembly and method of use," by Smith, filed Sep. 27, 1989, issued Feb. 5, 1991, discloses a glass frame viewing assembly usable to record various images of an operator trying on numerous glass frames in order to make an intelligent and visual decision of the ones desired for purchase.
- F. US Patent No. 5,280,570, entitled "Spectacle imaging and lens simulating system and method," by Jordan, filed Sep. 11, 1992, issued Jan. 18, 1994, provides a system permitting a patient to visualize how he or she would look given a particular choice of spectacle frames. The system takes into account the prescription information (spherical, and for astigmatic correction the cylinder and axis) and provides for the patient

an image showing substantially faithfully how the patient would look if wearing the spectacle frames with lenses according to the prescription.

- G. US Patent No. 5,592,248, entitled "Computerized method for fitting eyeglasses," by Norton et al., filed Nov. 16, 1995, issued Jan. 7, 1997, provides a method for custom manufacturing or fitting eyeglasses wherein a digital camera is used to take a series of digital images of selected portions of a subjects head, the images then being stored in a computer electronically associated with the camera, wherein the images contain frame and lens fitting information with respect to the size and shape of the subjects head, and thereafter providing a visual image display screen functionally associated with the computer for receiving and visually displaying the images such that an eyeglass frame and lens can be structurally and dimensionally configured in accordance with the fitting information.
- H. US Patent No. 5,983,201, entitled "System and method enabling shopping from home for fitted eyeglass frames," by Fay, filed Jun. 13, 1997, issued Nov. 9, 1999, discloses a system and method for a customer to visit any of a number of possible locations, called customer diagnostic locations, and to set up to electronically ascertain information about the customer's head, face and skin color, sex etc. needed to size eyeglasses. An image of the customer's head and face for showing how the customer would appear while wearing different eyeglass frames. Each of these different customer diagnostic locations is connected to a remote electronic store, having a database of information about different models of eyeglass frames, the information being sufficient to build an image of the eyeglass frame based on customer size information. The remote electronic store also includes means for creating an image of a particular customer wearing a particular fitted eyeglass frame.
- I. US Patent No. 5,999,185, entitled "Virtual reality control using image, model and control data to manipulate interactions," by Kato e al., filed

Mar. 30, 1993, issued Dec. 7, 1999, discloses a virtual reality data presentation system. In the system, 3D model is presented according to 3D model data; input data for manipulating objects in the presented 3D model is entered; and a presentation of the 3D model is controlled according to the 3D model data, the entered input data, and control data specifying reactions of the objects in the presented 3D model with respect to the entered input data.

- J. US Patent No. 6,072,496, entitled "Method and system for capturing and representing 3D geometry, color and shading of facial expressions and other animated objects," by Guenter et al., filed Jun. 8, 1998, issued Jun. 6, 2000, describes a method that captures a 3D model of a face, which includes a 3D mesh and a series of deformations of the mesh that define changes in position of the mesh over time (e.g., for each frame). The method also builds a texture map associated with each frame in an animation sequence.
- K. US Patent No. 6,095,650, entitled "Interactive eyewear selection system," by Gao et al., filed Sep. 22, 1998, issued Aug. 1, 2000, discloses an interactive eyewear selection system that a video camera and digitizing system for acquiring a digital image of a person's face, including the temple areas of the face; an eyeglass frames database for storing digital eyeglass frame images; an automated interface for selecting an eyeglass frame image from the frames database, the image containing frame temple portions; a digital processing system for automatically superimposing the selected frame image on the image of the person's face, in a composite image, such that the frame appears to be worn naturally on the person's face and the frame temple portions are shown at the temple areas of the face; and a display device for displaying the digital image of the person's face and for displaying the composite image.
- L. US Patent No. 6,111,581, entitled "Method and system for classifying

user objects in a three-dimensional (3D) environment on a display in a computer system," by Berry et al., filed Jan 27, 1997, issued Aug. 29, 2000, discloses a method and system for providing a set of standardized classes of user objects and defining the standardized classes based upon a users needs. The method and system is directed toward a classification for objects relevant to the tasks of organizing the 3D environment, navigating through the 3D environment, and performing useful work in the 3D user environment in a computer system classification.

- M. US Patent No. 6,142,628, entitled "Eyeglasses try-on simulation system," by Saigo, filed May 7, 1999, issued Nov. 7, 2000, describes an eyeglasses try-on simulation system that enable the simulation of approximating an actual eyeglasses wearing state, by integrating previously-inputted prescription data, lens material data and lens design data, with selected frame shape data, enabling the easy and accurate determination of eyeglasses that are to one's liking.
- N. US Patent No. 6,144,388, entitled "Process for displaying articles of clothing on an image of a person," by Bornstein, filed May 11, 1998, issued Nov. 7, 2000, describes a computer-implemented process of generating a two-dimensional image of a selected article of clothing superimposed at a location on a two-dimensional image of a person using a computer network having at least a server and a client computer.
- O. US Patent No. 6,208,347, entitled "System and method for computer modeling of 3D objects and 2D images by mesh constructions that incorporate non-spatial data such as color or texture," by Migdal et al., filed Jun. 23, 1997, issued Mar. 27, 2001, discloses a system and method for modeling 3D objects and 2D images by wireframe mesh constructions having data points that combine both spatial data and surface information.
- P. US Patent No. 6,226,001, entitled "Viewer interactive object with multiple

selectable face views in virtual three-dimensional workplace," by Bardon et al., filed Mar. 7, 1997, issued May 1, 2001, provides a system, method and computer program for presenting to a viewer at a display interface, a virtual 3D workspace containing virtual 3D objects and viewer interactive means for navigating in said workspace.

- Q. US Patent No. 6,231,188, entitled "Interactive eyewear selection system," by Gao et al., filed Jul. 31, 2000, issued May 15, 2001, similar to UP Patent No.: 6,095,650 by Gao et al. discloses an interactive eyewear selection system that comprises: a video camera and digitizing system, an eyeglass frames database, an automated interface, a digital processing system and a display device.
- R. WIPO PCT publication No. WO 00/04506, entitled "Method and system for generating fully-textured 3-D models," by Zwern et al., filed Jul. 20, 1998, published Jan. 27, 2000, discloses a 3D modeling system for automatically generating fully-textured 3D models of objects from a sequence of images taken around objects.
- S. WIPO PCT publication No. WO 00/04508, entitled "Automated 3D scene scanning from motion images," by Zwern et al., filed Jul. 20, 1998, issued Jan. 27, 2000, discloses a system to automatically generate a fully-textured 3D model of an object from motion images.
- T. Patent Abstracts of Japan No. 01076362, entitled "Production of synthetic image for spectacle put-on simulation device," by Ninomiya et al., filed Sep. 18, 1987, published Mar. 22, 1989, discloses a system for reducing the difference of impressions between a person who actually put on his/her spectacle and a synthetic image of the person and the spectacle frame by displaying the synthetic image of an unspectacled person displayed on a display device.
- U. Patent Abstracts of Japan No. 06118349, entitled "Spectacles fitting simulation device," by Horii et al., filed Oct. 2, 1992, published Apr. 28, 1994 discloses a system for obtaining the spectacles fitting simulation

device which dispenses with adjustment of a spectacles synthesizing position, and can execute simulation of expression of a face and its direction, etc.

- V. Patent Abstracts of Japan No. 06139318, entitled "Glasses wear simulation device," by Ishikawa et al., filed Oct. 26, 1992, published May 20, 1994, discloses a glasses wear simulation device that takes refraction due to lenses of glasses into consideration and can stimulate the expression, the direction, or the like of user's face.
- W. Patent Abstracts of Japan No. 06290239, entitled "Simulation device for spectacles wearing," by Ishikawa, filed Apr. 6, 1993, published Oct. 18, 1994, discloses a simulation device for spectacles wearing that enables a user to see displays which are variously changed in angle only by inputting one image of spectacles.
- X. Patent Abstracts of Japan No. 11007466, entitled "Method for selecting and simulating glass frame or the like at the time of purchasing it," by Koyama, filed Jun. 17, 1997, published Jan. 12, 1999, discloses a method enabling a purchaser to select, design, and create individualistic, charming and original glasses, sun glasses or the like matched with his/her scene of values or sensitivity without purchasing a commodity one-sidedly supplied by a maker or a store.
- Y. Patent Abstracts of Japan No. 2000123053, entitled "Spectacle wearing simulation method," by Izumitani, filed Oct. 12, 1998, published Apr. 28, 2000, discloses a proper simulation without letting a person wearing spectacles feel any sense of incompatibility or discomfort.
- Z1. Web site <http://www.eyeweb.com/> is an electronic commerce site for eyeglasses, the publication date thereof is unknown. The site lets user virtually try-on eyeglasses online after an image of user has been created at a local retailer.

Z2. Web site <http://www.eyeglasses.com/> is an electronic commerce site for eyeglasses, the publication date thereof is unknown. This site let users try-on eyeglasses and sunglasses after uploading their own picture.

Z3. Web site <http://www.tryoneyeglasses.com/> is yet another example of electronic commerce for eyeglasses, the publication date thereof is unknown. It also let users try-on eyeglasses and sunglasses after uploading their own picture.

However, the claimed subject matter is distinguishable with particularity over the above patents/publications by:

Claim 1's "displaying an interactive platform received from the network, wherein the interactive platform includes respective displays of the pairs of eyeglasses; importing into the interactive platform a 3D face model of a user; placing a 3D representation of one of the pairs of eyeglasses onto 3D face model when the one of the pairs of eyeglasses is selected";

Claim 12's "displaying an interactive platform received from the network, wherein the interactive platform includes respective displays of the pairs of eyeglasses; importing into the interactive platform a 3D face model of a user; placing a 3D representation of one of the pairs of eyeglasses onto 3D face model when the one of the pairs of eyeglasses is selected";

Claim 22's "displaying an interactive platform received from the network, wherein the interactive platform includes at least two views, a first view and a second view, each of the two views receiving a 3D face model provided by a user; and placing a 3D representation of one of the pairs of eyeglasses onto the 3D face model in the first view and placing a 3D representation of another one of the pairs of eyeglasses onto the 3D face model in the second view so that the user can appreciate any differences between the two views"; and

Claim 25's "a client computing device including a display screen, executing a browsing application and coupled to a data network; a server computing device operated by an eyewear business, the server computing device accessing a

database of the pairs of eyeglasses; and wherein a user of the client computing device enters an IP address identifying the server computing device and sends out a specification of a selected pair of the pairs of eyeglasses after a data link is established between the client and server computing devices; wherein the client computing device subsequently displays an interactive try-on platform in which a 3D face model and a 3D representation of the selected pair of eyeglasses are displayed; and wherein the user is able to virtually place the selected pair of eyeglasses on or off the 3D face model"; and

Claim 29's "program code for providing an interactive platform that can be displayed on a computing device; program code for requesting a 3D face model from a user; program code for determining characteristics of the 3D face model with respect to a 3D reference frame; program code for retrieving a 3D representation of a pair of eyeglasses when a request identifying the pair of eyeglasses is received over the network; and program code for placing the 3D representation of the glasses onto a default position with respect to the 3D face model in accordance with the characteristics thereof".

Hence, the applicants believe that claims 1, 12, 22, 25 and 29 and thus their dependent claims also, are each patentable over the above references listed in paragraph A-Z3, whether viewed alone or in combination.


Please telephone the undersigned at (408)777-8873, if there are any questions.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to "Commissioner of Patents and Trademarks, Washington, DC 20231", on May 23, 2001.

Name: Joe Zheng

Signature: 

Respectfully submitted;


Joe Zheng
Reg.: 39,450